

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**CORBETT LAW FIRM LLC**  
303 Walnut Avenue  
Evesham, New Jersey 08053  
856-767-0910; fax 908-847-0369  
John E. Corbett, Esquire (JC-6036)  
Attorney for Lance Henry

*In Re:*

ANTHONY M. MORTELLITE, JR.  
COLLEEN T. MORTELLITE

*Debtors*



Order Filed on September 14, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Chapter 12

Lead Case No: 17-21818 (ABA)  
Jointly Administered

Hearing date: September 5, 2017


Hon. Andrew B. Altenburg, Jr., USBJ

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY PERMITTING LANCE  
HENRY TO LITIGATE PRE-PETITION CLAIMS IN STATE COURT AND TO PURSUE  
COLLECTION OF INSURANCE PROCEEDS IN SATISFACTION THEREOF**

The relief set forth on the following pages, numbered two (2) through three (3) is  
hereby **ORDERED**.

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**DATED: September 14, 2017**

  
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Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Page 2

Debtors: Anthony M. Mortellite, Jr.; Colleen T. Mortellite

Case No. 17-21818 (ABA)

Caption: ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY PERMITTING  
LANCE HENRY TO LITIGATE PRE-PETITION CLAIMS IN STATE COURT AND  
TO PURSUE COLLECTION OF INSURANCE PROCEEDS IN SATISFACTION  
THEREOF

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THIS MATTER came before the Court on September 15, 2017 upon the motion by Lance Henry through his attorney, the Corbett Law Firm, LLC, John E. Corbett, Esquire appearing, for entry of an order granting relief from the automatic stay in the above-captioned bankruptcy case permitting him to continue prosecution of a certain State Court Action composed of a civil suit and related state administrative proceedings against debtor Anthony M. Mortellite, Jr. The State Action was initiated by the filing on September 30, 2015 of civil action in the Superior Court of the State of New Jersey captioned as *Lance Henry v. Anthony Mortellite, Jr. et al*, Docket No. CAM-L-3645-15. The administrative proceeding currently takes the form of a complaint filed pursuant to N.J.S.A. 4:1C-10.1 with the Camden County Agricultural Development Board. In the State Action, Lance Henry complains of negligence, nuisance, unjust enrichment, and property damage arising from the directed flow of storm water from Mr. Mortellite's land onto Mr. Henry's land and seeks injunctive relief and money damages. Movant seeks to continue to litigate the State Action and, if successful therein, to pursue satisfaction of any relief obtained through proceeds of an insurance policy or policies assumed to be held by one or both debtors.

Debtors are represented by the law firm of Kasen & Kasen. David A. Kasen, Esquire filed a timely reply to the moving papers and appeared on behalf of debtors. No other opposition was received by the Court.

Prior to oral argument on the motion, counsel conferred and agreed to a resolution of their differences which was then proposed on the record for the Court's consideration and approval. Having considered the arguments made in support of this motion, the

Page 3

Debtors: Anthony M. Mortellite, Jr.; Colleen T. Mortellite

Case No. 17-21818 (ABA)

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responses thereto, and the consents of the parties as indicated below, the Court  
determines that there is sufficient cause to grant the relief set out below. Accordingly,

**IT IS ON THE DATE SET FORTH ABOVE HEREBY ORDERED:**

1. The movant, Lance Henry is hereby granted relief from the Automatic Stay  
(11 U.S.C. §362(a)) for the purpose of continuing litigation in the State Action in order to  
establish the validity and to fix the amount of his claims against debtors.

2. In the State Action, movant may collect any award of damages from the  
proceeds of debtors' liability insurance policies without further order of this court.

3. Movant's application to seek and enforce injunctive relief in the State Action  
to abate any continuing nuisance alleged to be caused by debtors is denied without  
prejudice.

4. Pursuant to BR 4001(a)(3), this order is stayed until the expiration of ten  
days from the date hereof.

**The undersigned attorneys for the parties appearing in this matter  
hereby consent to the form, content and entry of the Order as set forth above.**

CORBETT LAW FIRM LLC  
Attorney for Movant

/s/ John E. Corbett

KASEN & KASEN  
Attorney for Debtors

/s/ David A. Kasen

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By: JOHN E. CORBETT, Esq. (JC-6036)

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By: DAVID A. KASEN, Esq. (DK1778)

**Certificate of Notice Page 4 of 4**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Anthony M Mortellite, Jr  
 Colleen T Mortellite  
 Debtors

Case No. 17-21818-ABA  
 Chapter 12

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Sep 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 17, 2017.  
 db/jdb +Anthony M Mortellite, Jr, Colleen T Mortellite, 564 11th St., Hammonton, NJ 08037-8468

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 17, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 15, 2017 at the address(es) listed below:

Andrea Dobin on behalf of Trustee Andrea Dobin adobin@trenklawfirm.com  
 Andrea Dobin ecftrusteead@trenklawfirm.com, NJ55@ecfcbis.com  
 CherylLynn Walters on behalf of Creditor Township of Winslow cwalters@prlawoffice.com  
 David A. Kasen on behalf of Joint Debtor Colleen T Mortellite dkasen@kasenlaw.com  
 David A. Kasen on behalf of Unknown Role Type Blues Brothers, LLC dkasen@kasenlaw.com  
 David A. Kasen on behalf of Debtor Anthony M Mortellite, Jr dkasen@kasenlaw.com  
 David A. Kasen on behalf of Debtor Blues Brothers, LLC dkasen@kasenlaw.com  
 Erin Darden on behalf of Creditor United States of America erin.darden@usdoj.gov  
 Jenny R. Kasen on behalf of Joint Debtor Colleen T Mortellite jkasen@kasenlaw.com,  
 dkasen@kasenlaw.com  
 Jenny R. Kasen on behalf of Debtor Blues Brothers, LLC jkasen@kasenlaw.com,  
 dkasen@kasenlaw.com  
 Jenny R. Kasen on behalf of Debtor Anthony M Mortellite, Jr jkasen@kasenlaw.com,  
 dkasen@kasenlaw.com  
 John E. Corbett on behalf of Creditor Lance Henry jecorbett@corbettlaw.net  
 John R. Morton, Jr. on behalf of Creditor Americredit Financial Services, Inc., d/b/a GM  
 Financial ecfmail@mortoncraig.com, mortoncraigecef@gmail.com/mhazlett@mortoncraig.com  
 John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer  
 Services ecfmail@mortoncraig.com, mortoncraigecef@gmail.com/mhazlett@mortoncraig.com  
 Joseph A McCormick, Jr. on behalf of Creditor Deere & Company jmccormick@mccormicknjlaw.com,  
 karen@mccormicknjlaw.com/Lorraine@mccormicknjlaw.com/Kathleen@mccormicknjlaw.com/Karen@mccormickn  
 jlaw.com  
 Marshall T. Kizner on behalf of Creditor Farm Credit East, ACA mkizner@stark-stark.com  
 Ross J. Switkes on behalf of Trustee Andrea Dobin rswitkes@trenklawfirm.com  
 Timothy P. Duggan on behalf of Creditor Farm Credit East, ACA tduggan@stark-stark.com  
 U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov  
 Walter F. Gavigan, Jr. on behalf of Creditor Lee Rain, Inc. wgavigan@grucciopepper.com,  
 jlynch@grucciopepper.com/r53898@notify.bestcase.com  
 William E. Craig on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer  
 Services mortoncraigecef@gmail.com, mortoncraigecef@gmail.com

TOTAL: 21